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Bruce A. Marlow

Honorable Bruce A. Markell
United States Bankruptcy Judge



**Entered on Docket
October 19, 2012**

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DEL WEBB COMMUNITIES, INC.

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

IN RE:) CASE NO: 09-33776-bam
20)
EXECUTIVE PLASTERING, INC.,) CHAPTER: 7
21)
22) **ORDER GRANTING MOTION FOR**
Debtor.) **RELIEF FROM AUTOMATIC STAY**
23)
24) Hearing Date: October 16, 2012
25) Hearing Time: 1:30 p.m.
26)

ORDER GRANTING MOTION FOR RELIEF FROM BANKRUPTCY STAY

Movant Del Webb Communities, Inc.’s (hereinafter “Movant”) Motion for Relief from Automatic Stay as to Executive Plastering, Inc. (hereinafter “the Motion”) for an order,

1 pursuant to 11 USC 362(d) of the Bankruptcy Code, having come on for hearing before the
2 Bankruptcy Court on the ____ day of September, 2012, and the Court having reviewed the
3 Motion; the points and authorities in support and the pleadings and papers on file; appearances
4 having been noted on the record; arguments made by counsel; and with the findings of the
5 Court having been made on the record and incorporated herein;

6 And notice of the Motion having been provided to the Office of the United States
7 Trustee for the District of Nevada and other interested parties;

8 And it appearing that no other or further notice of the Motion need be provided;

9 And good and sufficient cause appearing therefor;

10 **IT IS HEREBY ORDERED** that the Motion to allow Movant to proceed against the
11 Debtor and its insurance carriers for the purpose of establishing liability against Debtor is
12 GRANTED as to the following cases:

13 1. *Stephen and Patricia Ballweber et al. v. Del Webb Communities, Inc.*, Clark
County District Court Case No. A647881

14 2. *Stephen and Patricia Ballweber et al. v. Del Webb Communities, Inc.*, Clark
County District Court Case No. A658216

16 **IT IS FURTHER ORDERED** that Movant will pursue Debtor's insurance proceeds
17 only and will waive any claims Movant may have against the Bankruptcy Estate.

18 Dated this 11 day of October, 2012.

19 Respectfully submitted by:

20 KOELLER NEBEKER CARLSON &
21 HALUCK, LLP

22 BY:
23
24

25 CASSANDRA S. CUMMINGS, ESQ.
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DEL WEBB COMMUNITIES, INC.

1 **CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021**

2 In accordance with Local Rule 9021, counsel submitting this document certifies as follows:

3 The court has waived the requirement of approval under LR 9021.

4

5 This is a chapter 7 or 13 case, and either with the motion, or at the hearing, I have
6 delivered a copy of this proposed order to all counsel who appeared at the hearing, any
7 unrepresented parties who appeared at the hearing, and each has approved or disapproved the
8 order, or failed to respond, as indicated below:

9 **No parties appeared or objected.**

10 This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to
11 all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing,
12 and each has approved or disapproved the order, or failed to respond, as indicated:

13 I certify that I have served a copy of this order with the motion, and no parties appeared
14 or filed written objections.

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16 KOELLER NEBEKER CARLSON &
17 HALUCK, LLP

18 BY:

19 
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24 Attorney for Movant
25 DEL WEBB COMMUNITIES, INC.